No. 10. VOL. V.

The Balance, AND COLUMBIAN REPOSITORY.

" HAIL SACRED POLITY, BY FREEDOM REAR'D !
" HAIL SACRED FREEDOM, WHEN BY LAW RESTRAIN'D !"
BEATTIE.

HUDSON, (NEW-YORK) *Tuesday*, MARCH 11, 1806.

Law Argument.

[We have received two argumentative papers, of considerable length, on ARNOLD's case. The one takes the negative, the other the affirmative, of the question—" *Whether* ARNOLD *ought to suffer death ?*"—As the discussion, in both, is conducted with ingenuity and candor, we readily give place to both, beginning with the negative, which was first received. Edit. Bal.]

FOR THE BALANCE.

QUESTION.

Whether Stephen Arnold ought to suffer death ?

ON this subject, although much has been said, yet, much remains for cool dispassionate investigation. The passions and prejudices of the people are now nearly subsided ; and a candid sober enquiry into the merits of this case may be attended with some advantage. In considering the question before us, it will be necessary to attend strictly to the definition of Murder, as laid down by the juridical writers ; to advert to such authorities as may be deemed apposite to the present case, and to endeavour to give such a construction to the statute of our state relative to murder, as shall, at least, be satisfactory to a candid mind. If in the course of the argument, we can shew that Arnold's case does not come within the definition of murder, or if the statute of our state, after a fair impartial exposition, is found in his favor, then he ought not to suffer death.

Murder is defined " Where a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the king's peace, with malice aforethought either express or implied."* It is material to observe that the taking away the life of any reasonable being, has different degrees, and that from cool deliberate assassination to the killing a robber in defence of our lives or property, there is an infinite number of subordinate grades. As we proceed downwards in the scale, we arrive at the point where the enormity ceases to exist. Here the commission of the action on the one hand is guilt ; on the other innocence ; and it requires the highest degree of wisdom in the government to apportion the punishment to the degree of turpitude of which the offender has been guilty. Accordingly the writers on crown law have distinctly marked some of the characteristic grades, and have left it to the wisdom and discretion of the court and jury to determine whether the particular cases submitted to their determination, correspond with the definition laid down. Blackstone says, " Homicide or the killing any human creature is of three kinds : justifiable, excuseable, and felonious ; the first has no degree of guilt at all, the second very little, but the third is the highest crime against the law of nature."* The first, which has no degree of guilt at all, is where a public officer executes the sentence of law on a criminal, or for the advancement of justice in the execution of the duties of his office, kills the person who resists him, or, where a person in defence of his life and property kills a robber. The second, which is denominated excuseable homicide, is of two kinds *per infortunium*, or, *se defendendo*. " The first is where a man, doing a lawful act without any intention of hurt, unfortunately kills another, as where a parent is moderately correcting his child, a master his apprentice or scholar, or an officer punishing a criminal and happens to occasion his death, it is only misadventure ; for the act of correction was lawful. But if he exceeds the bounds of moderation either in the manner, the instrument, or the quantity of punishment and death ensues, it is manslaughter at least, and in some cases (according to the circumstances) murder ; for the act of immoderate correction is unlawful." In the case before us it cannot be said that there was not an undue degree of severity used, that the bounds of moderation were not exceeded, or, that Arnold has not been guilty, of a most flagrant enormity ; but we do insist, and shall endeavor to shew conclusively that his crime amounts to no more than manslaughter. The grand criterion, by which murder is distinguished from manslaughter, is malice prepense, of which there are two kinds ; malice express, and implied. In order to shew clearly the distinction between murder and manslaughter in a case of this nature, some authorities will be produced. Serjeant Hawkins, speaking of homicide *per infortunium*, cites these cases : " Where a schoolmaster in correcting his scholar, or a father his son, or a master his servant, or an officer whipping a criminal condemned to such punishment happens to occasion his death.

" Yet if such person in their correction be so barbarous as to exceed all bounds of moderation, and thereby cause the party's death, they are guilty of manslaughter at the least. And if they make use of an instrument improper for correction and apparently endangering the party's life as an iron bar or sword, &c. and kick him to the ground and then stamp on his belly and kill him, they are guilty of murder."† Accordingly at the Old Bailey Assizes, 1666, John Grey being indicted for the murder of William Golding, the jury found a special verdict to this effect : Grey being a smith, B was his servant ; he commanded his servant to mend certain stamps belonging to his trade ; afterwards he and his servant being at work at the anvil, Grey asked his servant whether he mended the stamps as he had directed him. But B, the servant, having neglected his duty, acknowledged it to his master, upon which the master was angry and told him if he would not serve him, he should serve at Bridewell, to which the servant replied, that he had as good serve in Bridewell as serve the said Grey. Whereupon the said Grey took the iron bar upon which he and his servant was working and struck his servant with it upon the scull and thereby broke his scull of which the servant died, and whether this was murder, &c. And the judges were all of opinion that this was murder, because the instrument was unlawful and it is all one as if he had run him through with a sword ‡ Here, although no express malice was proved, yet from the unlawfulness of the weapon, and the unprecedented mode of correction, malice implied was justly inferred. But if, in pursuance of his lawful authority, the master had taken an instrument proper for correction from the moderate use of which danger could not be apprehended, and had even exceeded the strict bounds of moderation to bring his servant to a sense of his duty, and death had ensued, the benignity of the law is such that his crime would not have subjected him to the punishment of a murderer. For even in the case, as we have related it, Kelyng informs us that Grey obtained his majesty's pardon. The authorities which we have adduced, although they do not exactly correspond to the case of Arnold, go to shew the distinction between murder and manslaughter by the common law doctrine. The peculiar circumstances of this case will be presently considered. To constitute the crime for which Arnold was sentenced to death, there must be malice prepense. What then is this " *malitia praecogitata*" as the law terms it ? It is a fixed, settled and determinate design to do a person an injury. This definition may be collected from the etymology of the words : *Malitia ex mala*, perverseness, the doing evil designedly, *praecogitatus* an adjective from *praecogito*, to ponder beforehand. † But it is said, that in the case before us it is not necessary to shew express malice in Arnold, it is sufficient that malice implied was manifested in his conduct. This will not be denied, at present, the question of implied malice by statute we are presently to examine ; but we do insist that by the common law doctrine, where implied malice is to be inferred, in so great a question as the life and death of a citizen, that the

* 4th Black. Com. Chap. 14, 195.

* Black. 4th, 177.
† Hawk. P. C. III.

‡ Kel. 64 and 133.
† Young's Dictionary.

greatest caution should be observed, and the peculiar circumstances of the transaction should be minutely examined. A, then, has a child of the age of six years living with him in quality of ward, and in relation to this child A stands '*in loca parentis*.' He has the superintendence of the education of the child, and it appeared in evidence that he had spoken favorably of her, and said she was smart to learn. In consequence of her obstinacy (as he conceived) in pronouncing a certain word, he procured eight rods, seasoned them in the fire, and on a certain night in the winter season, took the child out of the house seven several times and in consequence of the severity of the punishment, the child died. Here the question naturally occurs, who were the witnesses of this fatal transaction? Could the wife of the man committing murder, sit deliberately and tranquilly by the fireside on this occasion? was she not deeply interested in the result? Nay, could another woman, whom it appears in evidence lived in the family, bear to see the child lacerated and mangled with the bruises and wounds she received, imploring mercy and forgiveness at the hands of her cruel uncle? If such an intention as that of murdering the child had been apparent in the countenance, the gestures or the threats of Arnold, why was he not restrained? Why was not an outcry raised? Did fear restrain the witnesses from this measure? or did they all combine against the life of this little infant? We know too well the female mind to harbor for a moment the monstrous supposition. What! a woman, of whom it has been said, by one well acquainted with the virtues of the sex, that they are "alive to every tender feeling"—"to deeds of mercy ever prone"*—a woman, we repeat it, guilty of a barbarity which not even a fury could conceive! Again, why did this monster take eight large withes, supple them in the fire and then proceed to these several acts of barbarity? Why did he intermit the punishment six several times? Does not this look like cool deliberate malice?——Such is the reasoning, and such have been the impressions on the public mind, when viewed through the misty medium of prejudice and error.

This affair, taken in all its concurrent circumstances, thus viewed, appears inexplicable; and unless we divest ourselves of prejudice and look with the clear steady eye of reason, the difficulties will still increase.

It is well known that fear is one of the strongest principles of action The fear of impending evil strongly influences human conduct, and it sways young minds with redoubled force.—Arnold was aware of this, since he had frequent opportunities of observing its effects in his daily avocation. He therefore procured these rods, bunched up a large number, suppled them in the fire, not, as it has been erroneously said, for the purpose of murdering the child; but to enforce obedience and submission by the dread of the dreadful punishment which awaited her. At what stage of this transaction did the malice implied begin? Surely not from the commencement. Why did he take her out of the house these seven several times? Why did he bring her in as often? Why did he not satiate his ferocity at one dreadful blow? Will any man in his senses believe, that a man with eight withes, bunched together as large as a little finger, on the naked body of an infant six years of age, with the full force and swing of his arm, could not have killed the child with a few blows? But no, it appeared in evidence, that from the beginning to the end of the punishment, one hour and a half elapsed, and that the last punishment was the occasion of her death! What conclusion are we to form on this point? That at first he expected to frighten her to a sense of her duty; finding this hope frustrated, he had recourse to punishment, that he brought her into the house at each of these times to see if any marks of repentance were exhibited on her side But finding, after several trials, nothing to satisfy his already disordered judgment his passions at length were roused, and he was prompted to proceed so far in the severity of punishment as to occasion the child's death. What degree of punishment the child suffered on each of these several times did not appear. Perhaps threatening and expostulation were used, but this is known only to his maker and himself. But why were these women passive during this transaction? It appeared in evidence that the child had been obstinate and disobedient to Arnold's wife; that she had been whipped by her, but it was of no avail. And at this time, the conduct of the child might, in the opinion of these women, have been thought worthy of a degree of chastisement. This is highly probable; while Arnold therefore confined himself within the bounds of moderation, they, having been witnesses of the child's precedent and recent obstinacy, conceived him to be in the exercise of a lawful authority. They supposed his reason would restrain him within the bounds of moderation, and the suffering object was removed from their view: The exclamation therefore of the wife of Arnold, when she saw the situation of the child after the last whipping, was natural: "Good God, Arnold, you have killed the child!" Did he then say, in reply, I am glad of it? no, he said "he hoped he not killed her." Does this shew the *malitia praecogitata* which the law requires in order to constitute murder? No, it shews that a man under the strong influence of passion, had taken an instrument, which under many circumstances would not have been unlawful, and had far exceeded the bounds of moderation. "His right to correct the child cannot be questioned, and the instrument was not unlawful."† But it is said, her age and tender years should have been regarded; he might have known that eight rods, bunched up in the manner the witnesses described, would have occasioned her death, therefore the instrument was unlawful. Will it be said that any instrument is unlawful, from the immoderate use of which danger may be apprehended? As well may we say that a single willow rod of the length of 2 feet, which a schoolmistress might use in the correction of her scholars, was unlawful. As well might we say that a pin or a needle were unlawful instruments, because if introduced into the spinal marrow, death is, or may be the consequence. A moment's reflection will shew clearly the distinction between a lawful and an unlawful weapon. A sword, a club, an iron bar, or any thing from the moderate use of which danger may justly be apprehended, when applied as instruments of correction, are unlawful. In this distinction we are fully authorized by reason and by the language of the books on crown law.‡ From what has been said on this point, it will fully appear that the unlawfulness in this case arises from the manner, and not from the instrument of correction.

What was the conduct of Arnold after this fatal transaction? His compunction and penitence for the barbarous deed sufficiently appear by the agony and distress of mind which he manifested to the physicians called, on the unfortunate occasion. He cried, said "he had been a cruel creature," and offered all his property to save her! We speak not as an advocate of his cause. He has undergone an impartial trial by his peers, and adjudged guilty of one of the highest crimes against the peace of society. He has received the awful sentence of death! He has been confined in a dungeon, loaded with chains. Separated from his friends, from the world, from all which can give delight to the soul of man, he has experienced all the heart-rending agonizing reflections of which human nature is susceptible. Is this all? He has been taken from prison to the place of execution. Thousands were collected to behold a fellow-being take his departure into the invisible world; the dread solemnities of justice were exhibited, and the fatal moment for executing the sentence of the law had arrived.—'Twas but to die! At this dreadful moment, when "all hope was lost," the voice of mercy entered his ear. With all the dreadful anticipation of death, with such mingled sensations rushing across his mind, 'twas too much for human nature to sustain.

Here let us pause a moment and enquire whether the criminal code of a free and enlightened republic, is vindictive—It ought not to be; for "the severity of punishment is fitter for despotic governments whose principle is terror, than for a monarchy or republic whose spring is honor and virtue." Again "In moderate states a good legislator is less bent upon punishing than preventing crimes; he is more attentive to inspire good morals, than to inflict punishments"‡ These are the sentiments of a sage, deeply versed in the science of government, and whose writings do honor to human nature. In the case then before us, we enquire whether Arnold has not even suffered more than death, and whether the supreme majesty of the law has not been fully exhibited. The greatness and magnanimity of the state is more fully displayed in acts of mercy, than by pursuing the criminal to death. But let us not stray from the object, for we are not now enquiring into the policy or expediency of the punishment of Arnold. As we are however subject to the passions and frailties of nature, and as the fatal indulgence of passion has been the occassion of this man's ruin, a few words on this head will not be deemed extraneous. The metaphysical writers,* who have treated on the passions incidental to human nature, have well distinguished between that instinctive resentment common to man with brute animals, and that cool deliberate resentment which arises from the conception of some real or supposed injury. Both are parts of our original constitution, given to man, no doubt, for the wisest purposes. The perversion of the passions is the great source of a thousand evils which environ us; so true is the observation: that the "corruption of the best things is the worst." The various effects of the passions have been the theme of the poets and orators in all ages—to discant on them in this place would be unnecessary. We shall however transcribe a short passage from Dr. Reid's admirable work on the intellectual and active powers of man: "The effects of passion on the mind are remarkable. It turns involuntarily the thoughts to the object related to it, so that a man can hardly think of any thing else: It gives often a strong bias to the judgment, making a man quick-sighted in every thing that tends to inflame his passions and to justify it, but blind to every thing that tends to moderate or allay it. Like a magic lantern it raises spectres and apparitions that have no reality, and throws false colours upon every object."† Since then we are all liable to these passions, is no allowance to be made to that fellow-being who has carried them too far? Arnold was under the strong influence of these passions in the infliction of this cruel punishment, but we do not hesitate to say, that in the whole of this transaction, there does not fully appear that *malitia praecogitata* which the common law doctrine declares essential to constitute murder. As to the malice implied, which the advocates of the people say is sufficiently manifested, this is a point we are now to examine. At the accession of James I. to the crown of England, deadly animosities subsisted between the Scotch and English; quarrels and stabbing were frequent, and it required legislative interposition to put a stop to the growing evil. The crime of stabbing on a sudden quarrel was only manslaughter by the common law. A statute was therefore enacted for a temporary expedient, whereby it was made murder "when one thrusts or stabs another not then having a weapon drawn, or who hath not then first stricken the party stabbing so that he dies within six months after."‡ And this crime was declared murder, though no malice aforethought could be proved. But the statute went on further and provided: "that this statute shall not extend to any person who shall kill in keeping and preserving the peace so as the manslaughter be not committed wilfully and of purpose under pretext of keeping the peace, nor to a master or parent in chastising his child or servant besides his or their intent and purpose." "So (as the author says) these circumstances are inquirable into."‖ What circumstances does Kelyng mean? Why, evidently, whether in the various cases, excepted out of this statute, the "intent and purpose" of the party so killing as aforesaid was sufficiently manifested. That is whether the action was, or, was not committed with express malice. The statute of our state relative to murder, passed Feb. 14, 1787,§ is an exact transcript of the statute of James I. at least as far as we have examined the latter; so that the preceeding observation is applicable to both. The second enacting clause of this statute of our state after mentioning the case of stabbing precisely as laid down in the British statute before recited provides: "that this act shall not extend to any person or persons, who shall kill any person or persons in his, her, or their own defence, or by misfortune, *or, in any other manner than as aforesaid* nor to any person or persons who in keeping and

* Ledyard the traveller.

* Vide Governor's Speech.
† Kel. 64 Hawk. 111.
‡ Montesq. Spir. Laws, Vol. I. B. vi. C. ix.

* See Lord Kam. El. Crit.
† Reid's Ess. Vol 2d, C. 6. Page 320.
‡ Black. Com. 4th Vol. Page 193.
‖ Kel. Rep. 28.
§ 1st Vol. R. Laws, Page 60.

preserving the peace shall chance to kill any person or persons so as such killing be not done wittingly, willingly and of purpose under pretext and colour of keeping the peace, nor to any person or persons who in chastising or correcting his, her or their child or servant shall contrary to his, her or their *intent and purpose* chance to kill such child or servant." If this proviso in the statute extends only to cases of homicide *per infortunium se defendendo* or justifiable, or where the punishment of a child or servant is in every respect lawful, then the proviso is nugatory, for in these cases but a small degree of punishment if any was inflicted by the common law. But we contend from the very words, "or in any other manner than as aforesaid" the proviso in the statute extends to all cases of homicide by the common law, not only justifiable and excusable, but also to all cases of felonious homicide, except that species of manslaughter which the act itself remedied and cases of murder in which express malice could be proved. What then has the act done? It has declared a species of crimes, which before were only manslaughter at common law, murder. It has even gone further and declared in effect that in all other cases of felonious homicide, this malice implied should not be sufficient in the conviction of a criminal. For it is observable that in the cases which it embraces and which it is designed to remedy the *malitia precogitata* is inferred from the very circumstances, and malice aforethought is not necessary to be proved, so that in the case of stabbing by the statute, it is only necessary to enquire whether the party stricken had a weapon first drawn and whether of the wound he received by such stabbing he died within six months after, not whether there was malice prepense, for this malice is implied from the very circumstance of stabbing. Now since the statute has gone thus far and has shewn the cases in which malice should be implied from the circumstances, and since the proviso has excepted the very case in question with many others from this implication of malice, does it not clearly follow that in all cases of felonious homicide which the enacting clause of this statute do not embrace that something more than implied malice should be required to sentence a man to death? And does it not clearly follow that the *onus probandi* lies on the part of the public prosecutor? But the report expressly negatives all presumption of express malice in the case of Arnold.

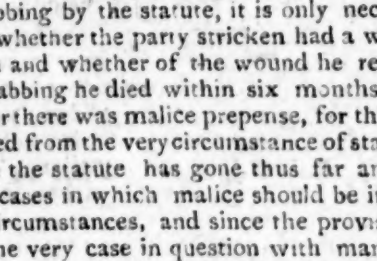
If then we are to be guided by the plain letter of the law, how can we say Arnold is guilty of murder from the implication of malice?

To sum up the whole, we say the crime of Arnold is not murder by the doctrines and principles of common law, and the statute of our state, as we have seen, after a fair, candid exposition operates in his favor.

A Friend to Justice.

HUDSON, *Feb.* 28, 1806.

The Wasp—*Revived.*



BY ROBERT RUSTICOAT, ESQUIRE.

"To lash the rascals naked through the world."

I am really sorry for poor Holt. He is obliged to change his tone so often, that he hardly knows what to say or do. He knows I am watching him, too, and that I sometimes take pleasure in exposing him. —One day he is ordered to abuse a certain set of men, and to accuse them of every thing dishonest and dishonorable. He dare not disobey. The next, he is compelled to flatter the same men, and rejoice at their "re union" with his master; and so he goes on, *blowing hot and blowing cold*, until his readers get bewildered, and think the man is deranged.—One day last week, I am informed, the following dialogue took place between Holt and one of his country readers:—

Countryman.—Neighbor, can you give me any information about this re-union mentioned in your paper?

Holt.—Not much. All I know about it, is, that the Clintonians and Burrites are to be good friends again—that there is to be "an oblivion of the past, and a frank and *honorable* confidence in future—that——

Countryman (interrupting.)—Who says so? Who says so?

Holt.—Why Mr. Dewitt Clinton, and——

Countryman (impatiently.)—Mr. Clinton! and who authorized him to make such a bargain?

Holt.—Why, I can't say as any body authorized him; but it was agreed——

Countryman (raising his voice.)—Who agreed? Who——

Holt.—I don't know who: But Mr. Clinton wishes well to the republican party, and he made the bargain; and we are all bound to acquiesce.

Countryman.—Bound! I'm not bound.

Holt.—All true "friends of freedom, who lamented the schism which separated a portion of the *best friends of their country* from us, will rejoice" at it.

Countryman.—Who do you call the best friends of their country?

Holt.—I mean the Burrites.

Countryman.—The Burrites! But did you not, a short time since, call them all the greatest rascals in the world.

Holt.—The Federalists make a great clamour about the re-union.

Countryman.—Answer my question. Did you not call all the Burrites rascals?

Holt.—Yes; but 'twas nothing but "the ebullitions of party strife."

Countryman.—Were not the charges true?

Holt.—The Federalists are confoundedly chagrined at this re-union.

Countryman.—None of your evasions, neighbor. Tell me, were the charges true?

Holt.—Yes.

Countryman.—How, then, can you now call the Burrites, the best friends of the country? *(A long pause, in which Holt looks over one shoulder and then over the other—down upon the ground, and to the north and the south, and every where, except in the countryman's face)*—Speak, sir, speak.

Holt.—No, the charges were not true.

Countryman.—Not true! Is this the manner in which I have been deceived? Have you been stuffing your paper with lies for these two years, to impose upon your readers. Good day. I shall order the post to bring me no more of the *Bee*.

Recipe to make an honest Man.

Take two as arrant rogues as ever escaped the gallows. Let them be associates a while. Then let them quarrel about the spoils of their joint knavery, and call one another by all their proper names, until they begin to excite the notice of the officers of justice. Then let them "reunite," and they will both make exactly one *honest man!*

COMMUNICATION FOR THE WASP.

Amongst the many disgraceful acts of the democrats, none shines with more lustre, or bids fair to make a more brilliant addition to their black records, than the late "re-union." Never were hearts more prompt to dictate mischief and wickedness than those of the men who compose this *union of honest men*. Each party commenced its career by slandering and abusing the federalists. But their ambition could not be satiated by endeavoring to destroy the virtuous only. They turned their arms against each other. Finding, however, that they were only paying a tribute to virtue, in publishing each other's crimes, they recoiled at that idea, and combined their forces to render their arms once more effective against the federalists.

What idea can we have of these men, if, in the days of their enmity, they spoke the truth? The worst that a civilized mind can imagine or conceive. To lessen their crimes, suppose that every sentence they wrote and spoke was false. They then are liars, the pest of society, and disgrace of human nature. When such men unite, federalists should not be silent. The glory of our country requires its votaries to step forth in all the independence of conscious virtue, and persevere in its behalf. Beholding such scenes of wickedness around us, yet firm in our principles, and virtuous in our cause, let us not see our country degraded, and our glory tarnished, without venting our indignation and abhorrence; and then, "if America falls, we are innocent."

LUCIUS.

Hudson Conscripts.

According to public notice, previously given, a large number of free holders and inhabitants of the city and corporation of Hudson, and the towns of Livingston and Claverack, met at the house of James Fairchild.

George Burch, Esq. was chosen Chairman, and George Crawford, Secretary to the meeting.

Mr. Crawford, having framed the following compact, read it, which was unanimously adopted, with the addition of a small amendment, as annexed.

The Hudson Conscript Company.

WE the subscribers, freeholders and inhabitants of the city and corporation of Hudson, and the towns of Livingston and Claverack, being induced from pure motives of necessity, for the better protection of our property, from the repeated instances of horse-stealing within our vicinity, which practice is not more aggravating as respects our interest, than insulting to our feelings, therefore declare this to be and remain the compact of the Hudson Conscript Company.

Article I.—This Company is to have one treasurer, and twelve riders, all of whom shall belong to this Company, and serve one year, at the expiration of which the company is to meet at the same place, on the same day of the month as the day of the date hereof, and in the evening of said day, of every year, (except it should fall on Sunday, in which case, to meet the evening of the day following) forever hereafter, and shall, by a majority of the company, elect a treasurer, and twelve riders, to serve as aforesaid; and that the treasurer chosen as aforesaid, shall be an inhabitant of the city or corporation of Hudson.

Second.—That every person belonging to this company, shall enrol his name, and at the time of enrolment pay into the treasury of the company, the sum of one dollar, which shall remain there for the use and benefit of the company.

Third.—The treasurer shall keep a just and regular account of all monies received by him from the company, and also, what he pays out for their use, which record, together with this emolument (if not re-elected himself) he shall deliver to the treasurer that may be next elected or chosen, and the like to be continued, from year to year, forever hereafter.

Fourth—That every rider shall supply himself with a good horse, saddle and bridle, with other equipments for personal defence, and a new bed-cord; and to be ready to start, at a moment's warning, if any of the company's horses get stolen; and the treasurer is hereby authorised to pay to each rider that rides after the horses stolen, two dollars per day for his services; and as an encouragement, the party finding the thief and horse, shall receive ten dollars, or for either five dollars, and so in proportion for any number of horses and thieves, so found and to be paid in addition as aforesaid.

Fifth.—That the person from whom any such horse, mare or gelding shall have been stolen, shall notify the treasurer of the same; and the treasurer is hereby authorised to issue orders in the name of the company, and to sign the same with his own name, to all and every rider; and the person aforesaid, losing such horse, mare or gelding, shall carry and serve all such notices, at their own expence, to the riders, who are hereby authorized to start immediately, in pursuit of the horse, mare or gelding so stolen, and to take such routes, and go such distances, as are specified in said notice, and no further, unless they come in the track of the thief, in which case, they shall be justifiable to go any distance, they please, and shall be paid as aforesaid.

Sixth.—That the person from whom such horse, mare or gelding shall have been stolen, together with the treasurer for the time being, and one of the conscripts, chosen by the treasurer, shall at all times constitute a committee to give general orders and directions, what route each rider shall take, and how far they shall ride; and that the treasurer shall be sole judge when to leave off searching for such horse, mare or gelding, so stolen, if not found after a proper search for the same, in his opinion, has been made.

Seventh.—In case of the death or removal out of the district of the treasurer aforesaid, one or more of the conscripts may call a meeting of the company, by advertising the same in one of the newspapers, printed in the city aforesaid, notifying the time of meeting, at the place aforesaid established for that purpose, and to express not less than three, or more than six days notice, &c. which meeting shall choose or elect by a majority of the company, a treasurer, to serve for the remainder of the time the other so deceased or removed as aforesaid, could have held his office; and the expence of advertising in calling the meeting of the company, to be paid by the treasurer so elected, out of the funds of the company.

Eighth.—That any of the company, making a false alarm, and afterwards finding his horse, mare or gelding, reported to have been stolen, in his or her enclosure, shall pay to the treasurer of this company, the half of all the expense incurred by searching for such as aforesaid; and that no horse, mare, or gelding, shall be searched for at the expense of this company, other than those belonging to some of the conscripts.

Ninth.—And as from absence or indisposition, some of the riders may not immediately attend to business when called upon, the treasurer is hereby authorized to hire other riders to take their routes, and pay them in like manner as the regularly elected riders.

Tenth.—That at the expiration of every year, when the company elect their treasurer and riders, they shall enquire into the state of the funds, and should they think it proper, may pay a further sum, as they may agree upon, into the treasury, so as to be provided, in case any emergency required it; the like to be practised, at the election of every treasurer for the company.

Eleventh—That all persons, living in any of the districts aforesaid, shall have a right at any time and all times, forever hereafter (excepting at the time they may have lost a horse, mare or gelding) to become one of this company, by paying to the treasurer in like manner as other of the conscripts have done and signing this compact, in which case every one, so becoming a member, shall be entitled to every benefit, and privilege arising or resulting from this association, as is heretofore granted; and that any of the conscripts losing their horses from any other district than the three specified, shall have no benefit of this company, nor shall this company have any demands on any of the conscripts if moved and living as inhabitants out of the districts aforesaid.

Twelfth.—That the names of the treasurer and riders, when chosen, shall be published in both of the newspapers printed in the city of Hudson, together with this compact, and to be paid for, by the treasurer, out of the funds of the company.

Thirteenth.—That the treasurer is hereby authorized to publish or advertise, in one or more of the newspapers aforesaid, any thing he may think beneficial to the company at any and at all times, at the expence thereof.

Fourteenth.—That from the various fluctuations of circumstances attached to human nature, and as it is impossible to foresee, at the time of framing any constitution or compact, all the evils or difficulties that may thereafter arise, for the want of this attribute in man, and to be guarded against any such evil is our duty, for the benefit of succeeding generations, by securing the funds of this company, from what might result, from having them deposited in the hands of an individual, therefore ordains, that all the monies that may now be raised, at the adoption of this constitution, or hereafter to be raised, by the additional increase of subscribers to this compact, or otherwise collected or received by the treasurer for the time being, shall be immediately deposited in the Bank of Columbia, in the city of Hudson, and in the name of the Hudson Conscript Company, and subject only to the check of the treasurer of the company for the time being, and signed by him in the name of the Hudson Conscript Company; and the company doth hereby send their joint compliments and solicit to the Cashier of the bank aforesaid, to whom, in this instance, we commit the guardianship of our joint concerns, to receive the monies as aforesaid, and to deliver it out with every necessary precaution; and as well the succeeding cashiers as the present; and the more effectually to induce the annual election of the officers aforesaid, to perpetuate the institution, that it may continue to have the salutary effect contemplated, we do further ordain: that if the company aforesaid should neglect to assemble and meet, at the expiration of every year as aforesaid, to elect a treasurer and riders, the cashier as aforesaid is hereby authorised not to accept the check of the late treasurer, or any other check for monies belonging to this company, until, by publicly calling a meeting of the company, which may be done by any one or more of the conscripts, by advertising the same in one or more of the newspapers aforesaid, after which meeting, so called, the person so elected or chosen treasurer, as aforesaid, together with the riders, shall be advertised in one or more papers printed as aforesaid and published weekly in the papers, from year to year, in the words following (excepting the year, and names of the officers elected in place of the present) viz:—*Horse thieves take notice*, that on the first day of March, 1806, the Hudson Conscript Company formed for the detection of horse-thieves, and has unanimously chosen George Burch, Esq. *Treasurer*, and David Ingersoll, Ephraim Mandell, Henry I. Best, Christopher Keiller, Samuel Dyer, David Arms, Samuel Piersons, James Fairchild, John Davis jun. Michael M. Hollenbeck, Jacob C. Platner, and Abraham Morrison, *Riders*.—In which case, the cashier is hereby authorised to accept the check of the treasurer so elected in manner aforesaid, to the whole amount of the monies so deposited as aforesaid, or any part thereof, and no more; and the like to be continued forever hereafter.

Fifteenth—And in case there should not be monies enough in the treasury to pay the expence of riders, and other exigencies that may accrue on the company's account, we do severally promise to pay, each for themselves, their proportionate part of such deficiencies to the treasurer when demanded by him; and to evince more fully our intentions, we pledge ourselves to support this, our compact, so far as it is consistent with the laws of our country; and in testimony whereof, we hereunto set our hands, at James Fairchild's, Innholder, in the city of Hudson, the first day of March, 1806.

Amendatory article.—It is hereby further ordained, that at the expiration of every year, when the company aforesaid meets to elect their treasurer and riders, the majority of the company may, by finding any article herein contained, contrary to their wishes, and in any way not to their liking alter the same, and constitute any other clause in its room and stead.

SIGNED BY

George Burch, George Crawford, Henry Plas, and others. *Seth Tobey, William Shaw, Stephen Gun,*

It was ordered, that George Burch and George Crawford be a committee to receive subscribers to the above institution, one of whom holds the compact now open for that purpose.

Miscellany.

FROM THE CHARLESTON COURIER.

Through the politeness of a gentleman of the Bar on whose accuracy we rely, we have been favored with the following impressive and eloquent Sentence, passed on the inhuman and brutal Slater, on Monday last, by Judge Wilds, which we have pleasure in communicating to the public, as doing no less honor to his head, as a sound and able judge, than to his heart, as a virtuous and humane man.

JOHN SLATER,

YOU have been convicted by a jury of your country, of the wilful murder of your own slave; and I am sorry to say, the short, impressive, uncontradicted testimony, on which that conviction was founded, leaves but too little room to doubt its propriety.

The annals of human depravity might be safely challenged for a parallel to this unfeeling, bloody, and diabolical transaction.

You cauſed your unoffending, unreſiſting Slave, to be bound hand and foot, and by a refinement in cruelty, compelled his companion, perhaps the friend of his heart, to chop off his head with an axe; and to caſt his body, yet convulſing with the agonies of death, into the water! And this deed you dared to perpetrate in the very harbor of Charleſton, within a few yards of the ſhore, unbluſhingly in the face of open day. Had your murderous arm been raiſed againſt your equal, whom the laws of ſelf defence and the more efficacious laws of the land unite to protect, your crime would not have been without precedent, and would have ſeemed leſs horrid. Your perſonal riſk would at leaſt have proved, that tho' a murderer, you were not a coward. But, you too well knew that this unfortunate man, whom chance had ſubjected to your caprice, had not, like yourſelf, chartered to him by the laws of the land, the ſacred rights of nature; and that a ſtern, but neceſſary policy, had diſarmed him of the rights of ſelf defence: Too well you knew, that to you alone he could look for protection; and that your arm alone could ſhield him from oppreſſion, or avenge his wrongs; yet that arm you cruelly ſtretched out for his deſtruction.

The Counſel, who generouſly volunteered his ſervices in your behalf, ſhocked at the enormity of your offence, endeavored to find a refuge, as well for his own feelings, as for thoſe of all who heard your trial, in a derangement of your intellect. Several witneſſes were examined to eſtabliſh this fact; but the reſult of their teſtimony, it is apprehended, was as little ſatisfactory to his mind, as to thoſe of the Jury, to whom it was addreſſed. I ſincerely wiſh, this defence had proved ſucceſsful; not from any deſire to ſave you from the puniſhment which awaits you, and which you ſo richly merit, but from the deſire of ſaving my country from the foul reproach of having in its boſom ſo great a monſter.

From the peculiar ſituation of this country, our forefathers felt themſelves juſtified in ſubjecting to a very ſlight puniſhment, him who murders a Slave: Whether the preſent ſtate of ſociety requires a continuation of this policy, ſo oppoſite to the apparent rights of humanity, it remains for a ſubſequent Legiſlature to decide. Their attention would long ere this, have been directed to this ſubject, but for the honor of human nature, ſuch hardened ſinners as yourſelf are rarely found, to diſturb the repoſe of ſociety. The Grand Jury of this Diſtrict, deeply impreſſed with your daring outrage, againſt the laws, both of God and man, have made a very ſtrong expreſſion of their feelings on the ſubject, to the Legiſlature; and from the wiſdom and juſtice of that body, the friends of humanity may confidently hope, ſoon to ſee this, blackeſt, in the catalogue of human crimes, purſued with appropriate puniſhment.

In proceeding to paſs the ſentence, which the law provided for your offence, I confeſs, I never felt more forcibly the want of power to make reſpected the laws of my country, whoſe miniſter I am. You have already violated the majeſty of thoſe laws—You have profanely pleaded, the law under which you ſtood convicted, as a juſtification of your crime—You have held that law in one hand, and brandiſhed your bloody axe in the other, impiouſly contending, that the *one* gave a licence to the unreſtrained uſe of the *other*.

But though you will go off unhurt in perſon by the preſent ſentence, expect not to eſcape with impunity. Your bloody deed has ſet a mark upon you, which I fear, the good actions of your future life will not efface. You will be held in abhorrence by an impartial world, and ſhunned as a monſter, by every honeſt man.... Your unoffending poſterity will be viſited for your iniquity, by the ſtigma of deriving their origin from an unfeeling murderer...Your days which will be but few, will be ſpent in wretchedneſs...And if your conſcience be not ſteeled againſt every virtuous emotion: If you be not entirely abandoned to hardneſs of heart, the mangled mutilated corpſe of your murdered Slave, will ever be preſent in your imagination; obtrude itſelf into all your amuſements, and haunt you in the houſe of ſilence and repoſe.

But, ſhould you diſregard the reproaches of an offended world; ſhould you bear with callous inſenſibility, the gnawings of a guilty conſcience; yet remember!... I charge you remember! that an awful period is faſt approaching; and with you, is cloſe at hand, when you muſt appear before a Tribunal, whoſe want of power can afford you no proſpect of impunity; when you muſt raiſe your bloody hands at the bar of an impartial, omniſcient Judge!—Remember!—I pray you remember! whilſt yet you have time, that God is Juſt, and that his vengeance will not ſleep forever.

Selections.

FROM THE PHILADELPHIA GAZETTE.

From Waſhington,
2nd Mo. 4th, 1806.

FRIEND RELF,

The ſixth day of the laſt week was moſtly waſted in debating on J. Randolph's bill to authorize the Secretary of the Treaſury to ſpeculate on the public funds. Much ſaid he of *land mongers*: much of the indeſcribable ſin of thoſe who befouled their hands in the filth and ordure of *ſpeculation*: a monſter indeed he repreſented this heinous crime of ſpeculation, while his fingers were ſcarcely waſhed clean of the ink that blackened the bill for enabling Gallatin to dip deep in the profits of this enormity. In vain did J. C. Smith combat; in vain did Crowninſhield move amendments, or deſcribe the ill effects that might follow, ſhould the amendments of the gentleman from *Virginia* prevail. The bill went through a third reading by a majority. The next morning the bill was conſiderably paſſed. Lyon roſe to have a little talk with Randolph about ſpeculation. The mind of that gentleman, ſaith he, ſeems tortured with the horrible monſter, Speculation: Never was the imagination of Don Quixote more enraged againſt caſtles and windmills. I would aſk that gentleman to be kind enough to let this houſe have a ſcale of morality, by which we may determine which is the more equitable, noble and laudable; to purchaſe a bale of goods or quantity of land for $1000 and ſome time after ſell the ſame for 1200, and thus gain perhaps two or three thouſand dollars in a year; or, to gain two or three thouſand dollars a year by the blood and ſweat of fellow mortals driven with a laſh by an unfeeling overſeer, and fed on a peck of meal and fourteen herrings a week. [Is, or is not this a moot point, friend Relf.] The remainder of the day was ſpent in diſcuſſing the report in favor of a bridge over the Potomac; Friend Lewis and Quincey in favor, and G. Campbell, Dawſon, Magruder and Varnum againſt the report. The reſolution for a bridge was agreed to: yeas 61, noes 50.

Yeſterday Nicholſon preſented the petition of John Montgomery and —— Stephen, two of the witneſſes againſt Judge Chaſe, praying for payment for attending his trial laſt winter. This John Montgomery ought to be *well paid*, for he ſwore he remembered what a dozen or fourteen witneſſes, who were preſent at the ſame time, ſwore they did not remember; in ſhort, to uſe the language of R. G. Harper to the Senate on the occaſion, he *ſwore to facts that never occurred*: and therefore I ſay, Friend Relf, that, as the laborer is worthy of his hire, he ought to be well paid—Yet he ought not to have petitioned with —— Stephen but rather with John Heath of Richmond, whoſe zeal made him an excellent ſwearer in the trial of Judge Chaſe—And tho' John Montgomery and John Heath did their friends more hurt than good, their great *good will* and *correct mode of ſwearing* ſhould not paſs unrewarded. The petition was referred to committee of Claims.

Friend Quincey preſented the memorial of the merchants of Boſton. It concludes with ſuggeſting the efficacy of ſending a ſpecial ambaſſador to England. Referred to a committee of the whole on the ſtate of the Union.

A petition was read by the Speaker from Wm. Lambert, late the firſt Clerk under Beckley, ſtating that Beckley had withheld a part of his ſalary. Referred to a committee of Claims. Report ſpeaketh very harſhly of this Beckley, charging the "Calm obſerver" with much mal practice in office: many of the democratic members think he ought to have leave to withdraw from office, and ſome ſeem determined that he ſhall.

After which, (the third time the ſubject has been on the carpet) about one hour and an half was ſpent in quarrelling whether or not about 900 dollars ſhould be given to the different officers of the houſe as compenſation for extra ſervices the laſt ſeſſion. The whole debate on this ſubject has occupied about the uſual ſitting of one day, which coſteth the U. S. about fourteen hundred dollars: thus the members put ſix dollars each in their purſes for debating whether the U. S. ſhould expend four. Smillie ſpake. That Smillie, I apprehend, ſpeaketh on the whole about *one complete week* in a ſeſſion—He ſpeaketh on all occaſions, yet I doubt whether he ever changed the vote of a ſingle perſon, unleſs peradventure a Sever or a Bedinger: now the expenſe of one week is about 10,000 dolls. I wiſh Friend Relf, the legiſlature of thy ſtate would forbid his coming here again. The officers were compenſated: 60 to 55.

Two meſſages were received from the Preſident: one relating to the ceſſion by South Carolina, to the U. S. of certain ſcites for fortifications—the other was a bundle of treaties and conventions with about 15 tribes of Indians; but as I do not wiſh thee to loſe the ſenſe of hearing I will not ſplit thy ears with the names of tribes.

Randolph moved a reſolution, calling on the ſecretary of the treaſury for a detailed ſtatement of the amount of exports and imports with Great Britain and her colonies, diſtinguiſhing the mother country and the colonies. Crowninſhield added, the Eaſt India ports belonging to Great Britain. Nicholſon wiſhed a detailed account of the exports and imports from all other nations—carried.

This day, as well as yeſterday, hath been moſtly ſpent in *trifling*—trifling talk unworthy the name of debate. The bill impoſing a tax of ten dollars on ſlaves occupied moſt of the day. Particulars hereafter. THINE.

From Washington,

2nd Mo. 5th, 1806.

FRIEND RELF,

I must confess it is a good thing to live on purpose to see, and to live in this our blessed city is a double gratification, as thou seest so many surprising things. The present session, Friend Relf, is truly the session of wonders. I have seen so many foreign strangers and so many *strange* foreigners. I have seen the pompous men from the East, and the naked ones from the West. I have seen our wonderful President, as a centre between these extremes, with a philosophical modesty, receive the incense of the rose from the Turks, and smoak from the calumet of *his red* Brethren Our Chief has made the most wonderful enquiries about the African mammoth, the Salt Mountain, &c. &c.—Indians and Turks all, all have very much admired the sagacity with which the President has become acquainted with things in their own country, they have never been able to discover themselves, and are convinced of the advantage of philosophy;—So far harmony exists between him, the children of Mahomet and the Gentiles of our forest;—But the Christians, the Christian Ambassadors, there's the rub! The Frenchman, Turreau, as Minister from *Jupiter tonnent*, has been thundering upon our little Secretary of state; he at the commencement, mistook Turreau's noise for the echo of some distant roaring storm, and with great composure kept the French General's memorials snug as pocket pieces, that is, to himself. When Doctor Logan's motion came before the Senate, General Smith defended, as a good merchant, the *harmless* and *philanthropic* trade with our friends of Hayti, on the ground that France was satisfied, as no remonstrance has been presented by her officers to government during the recess. The French minister, surprised, and indignant at this unprecedented conduct of Mr. Madison urged him with a flaming note, and the former ones at last appeared with a bad grace, when they should have been sent from the beginning. From hence our administration has not increased its good opinion. The philanthropy of our Chief, appears in this affair, a little awkward, but great men know how to conciliate every thing.

The minister of Spain has put our philosopher somehow out of his wits. Our President in his message, had treated Spain very severely, but perhaps justly. It is however averred, there were in his account of the affairs with that nation, some deviation from truth, which in the diplomatic language, are called *mistakes*, and which in a county meeting, would go under the plain denomination of *lies*. The Marquis has proved to the satisfaction of those *in the secret*, some of these mistakes, but the poor soul had forgotten, that our President like the King of England *cannot do wrong*. As his note contained *important secrets*, which for *obvious* reasons, Messrs J & M. wanted to conceal from the public eye, his appearance in Washington, was dreaded like a hail storm early in the summer, by an avaricious farmer. It was then agitated, in the supreme cabinet of state, to find some expedient to discourage him from a journey, in which an apprehension of the *dangerous disclosure*, was very much to be feared, and it was agreed upon that a *dexterous friend* in Philadelphia, would prevail upon him not to expose himself to the rebukes of an administration who wanted the *secret* hermetrically sealed. The Marquis had brass enough to steer, undisturbed his course towards our city, and the prudent and liberal secretary of state, on his arrival, sent him a *lettre de cachet*, to quit it. Every body was astonished, that the administration, *who has not the right to remove a negro* from our city, would violate the laws of nations, by insulting an ambassador without any ostensible reason or motive, but Friend Relf, I have vigorously taken the side of our President. Did not the Marquis consult certain lawyers, and by this expedient deprive us of some millions of dollars? Had not the Marquis the impudence to side with his colleague Merry, on the famous etiquette business? Did he not vigorously oppose our legislating, two years ago, for the territories of His Catholic Majesty? Did he not refuse to ratify the Convention of 1802, for good or bad reasons? And is there not a presumption that he wanted to bribe the quill of a *certain Major*, who, as the Marquis has said, is neither more or less than the key to "the temple of Janus?" These things, Friend Relf, can neither be forgiven or forgotten; besides, when a person acts according to his own ideas, he is not to blame: The President has had so much business of late, about the Ex-Bashaw, Cafarelly, the Ambassador Benemelly, the storming of Derne, and the handling of many other African affairs, that it is not in the least surprising, if he has imbibed a little of the *Turkish* disposition, and acted in this business *accordingly*. The Marquis, we understand, answered Mr. Madison's Billet doux, with a declaration, that the Minister of Spain does not receive orders but from the King his master: some have found this answer noble and dignified, but, friend Relf, we must confess between ourselves, there is a good deal of impudence in it.

On the information that the Corps Deplomatique was all in arms, at the mild *Turkish* proceeding of our *republican* administration, a measure was suggested to keep, hereafter, those gentry under a better discipline. A castle of seven towers for their lodgings when they grow unruly, is to be erected at Greenleaf's-point, which situation bears some resemblance to the propontide: A Greek architect in the suite of the Tunisian Ambassador, has given the plans, which will require a generous appropriation, for this *noble* purpose, out of the Mediterranean fund.

In regard to Mr. Merry and his affairs with our wise men, I could write thee a volume, but, I apprehend, I already abuse thy good nature. I'll confine myself to tell thee, he does not support the motto of his arms, *toujours gay*. He appears discontented, and at the *Castle* they are not contented with him, the etiquette business does not deserve pardon indeed! Thus thou seest my friend, with what *skill* our peaceful administration, has contrived the means of quarrelling with every body; they are equally successful in the management of our home affairs; could thou believe that Mr. Jefferson has had the address to be in the minority in both Houses of congress? however unlikely, this is a fact--Randolph, Nicholson, Macon, and their friends, do not support any longer, men they do not think worthy of it: the first is completely in disgrace at *Court*; he has committed the unpardonable crime to declare *Mr. Jefferson was not a great man*, and that Mr. Madison *is a very little man*: Macon has found our Chief is not infallible like the Pope of Rome, particularly *after comparing the President's message with the documents exhibited in support thereof*; on the debate about the fortifications, he declared, in a decisive manner, "*he was not sent to obey the mandates of the President, but to judge and act for himself*:" This dangerous doctrine was adopted with firmness by Nelson, Early and others, hitherto political friends of Mr. Jefferson: Thou wilt perceive by this that the President and Secretary *have done themselves a great deal of harm*, and the extent of the mischief would be more justly appreciated, if prudence had not contrived to have the doors of the house closed; but *ex unque Leonen*.

Thou will suppose our worthy chief a little humiliated, so he is; he is conscious of his sinking very fast, and no hopes remain for him, but in the success of a singular experiment, worthy his ingenious mind. As a *Philosopher* he knows that an odoriferous body, even when removed, leaves a temporary scent behind These sensations on our olfactory nerves, have afforded him, by analogy, the sagacious idea, that the accordant sound of a musical band, even when removed, must leave a tract of etherial *harmony*, which Chemists would call a *musical gas*. Thou knowest service is performed every Sunday in the House of Representatives, at present the *house of discord*—the President either with the intent to lull, or to destroy this monster has ordered, in his capacity of Admiral and Generalissimo, the bands of the marine corps, and that attached to the war department, to perform alternately every Sunday in the upper galleries of the House; by a mathematical calculation on the laws of acousticks, it is found, that two hours music will leave a sufficient harmony *afloat* to last all the week, and repeating the performance with as much regularity as the winding up of a clock, it is evident that the *discordant* members will be hereafter brought into an *unison* in spite of themselves; by this wonderful and simple philosophical discovery, the President commanding the bands with almost as much despotism as he commands the ambassadors, will regulate the vibration of our politics: when his musicians shall play *Adagios*, *Andantes*, *Allegros*, &c. all will be harmony and peace; but when they will bring forth tunes of *Bravoura con spirito forte fortissimo P'fogato*, then ah! then mercy upon us.

THINE.

P. S. I had forgotten to inform thee, that *Court* is highly displeased with a *speaker* who speaks so freely; *and has demanded his recal*; an intrigue is on foot to oust him; and General Varnum is the favorite ministerial candidate—so much for the liberty of speech!!!

Editor's Closet.

Bravo!

An extract of a letter from a member of Congress, which appears in the Richmond Enquirer, states, that it has been seriously deliberated whether it would not be proper, under the present conduct of the Spanish minister, to seize and ship him!

Duncan M'Farland.

The Richmond *Enquirer*, now and then, puts on such an air of honesty, that it requires considerable watchfulness to guard against his deceptions. He never commences with affected candor, but he ends with positive falsehood. A short time since, he amused his readers, with an article concerning *Duncan M'Farland*, in which, after acknowledging the worthlessness of *Duncan*, he says, "The republicans are as much disgusted with the alledged vices of Duncan M'Farland, as their federal opponents. They hold in an abhorrence not inferior to theirs, the character of a hog-stealer, a forgerer, and a perjurer." And then he attempts to shew that *Duncan* obtained his election by a *federal trick*. We cannot tell how much the democrats are disgusted with, nor how much they abhor *Duncan's* crimes; but we know, and the *Enquirer* must also know, that their papers, from the *Aurora* to the *Bee*, have advocated and defended him, since his confinement for forgery and perjury. The only *trick* made use of, by the federalists, to put *Duncan* in office, was, a complete exposition of his character in the public prints. Does the *Enquirer* mean to say, that it is only necessary for the federalists to prove a man a rascal, to ensure him the suffrages of the democrats?

Honey.

"SCIPIO," one of Holt's correspondents, ought to be indicted for murdering.... the king's English.—"The *avails is*," &c. —"At auctions *succeffible* to the mob," &c. —"Where *has these notes*," &c.

TO CORRESPONDENTS.

The "*Fraternal Hug*," and sundry other communications, in prose and verse, on the subject of the "re-union," are unavoidably postponed until next week.

Hudson, *March* 11.

Be it our weekly task,
To note the passing tidings of the times.

Erratum.

A *material* error escaped in a part of the papers of this week. In the law argument, on the first page, second paragraph, fifth line, "*maternal,*" was printed instead of *material.*

A Counterfeiter.

A tranſient perſon, by the name of GARDNER GREEN, has been committed to the gaol of this county, by B. Birdſall, Eſq. of Hillſdale, on ſuſpicion of his being one of a large gang of fellows, who are travelling the country for the purpoſe of putting off counterfeit bills of the different banks. Sundry bills were found ſo near him, and under ſuch circumſtances, as to leave no doubt, but he had juſt thrown them out of his pocket. Amongſt the bills, are, one of ten dollars, of the New-Hampſhire bank, payable at the bank of the U. S. at Philadelphia—a large number of ſeven dollars, of the Smithfield Union bank; and a large number of five dollars, of the Maine bank, moſt of which are badly executed. He was in company with one JOHN CLOUGH, who had paſſed a New-Hampſhire bill of ten dollars, evidently bad.

Printers of papers, by giving this information general currency, may be inſtrumental in furthering a diſcovery and promoting the public good.

In Maſſachuſetts,

The electioneering campaign has commenced. The candidates for Governor, are the ſame as at the laſt election.

Slander.

In the ſuit of the Rev. Dan Huntington vs. Eliſha Babcock, editor of the Hartford Mercury, for ſlander, the plaintiff obtained a verdict of *one thouſand dollars,* damages. In ſuch ſuits, let it be remembered, the defendant has a right to prove his charges.....if he can.

Pierpont Edwards, Eſq. is appointed by the Preſident and Senate of the U. S. Diſtrict Judge of the ſtate of Connecticut, in the room of the Hon. Richard Law, deceaſed.

The Secret Expedition.

We copy the following articles from a New-York paper:—

Mr. Jefferſon's official paper, (the *National Intelligencer*) thus defends the government againſt the charges contained in the queries, ſaid to be written by the Spaniſh miniſter in Philadelphia.

"The firſt impreſſion made on the reader by a peruſal of theſe queſtions, is that they are the offspring of ſome man, who hacknied in the vices of European governments, has undertaken, through ignorance or malevolence, to aſcribe to thoſe who adminiſter our ſyſtem the like atrocities with thoſe committed by tranſatlantic adminiſtrations; in ſhort, that they are the production of ſome foreigner, who, from cauſes eaſily aſſignable by every man converſant with ſome recent occurrences, or from thoſe of an inexplicable nature, is thus infamouſly employed in deſpoiling one of the pureſt characters in the nation of his fair fame, and aiming a deadly blow at the character of the whole government. The charges aſcribed to the Preſident and Mr. Madiſon cannot have emanated from an American heart or an American head. They are too abſurd and too malignant to be cheriſhed by any one, whoſe intereſts are embarked in our common deſtiny. How they received admiſſion into an American print, unleſs it was to expoſe hereafter the diſgraceful motives from which they ſprung, is not eaſily to be accounted for.

To enter into a ſerious refutation of ſuch charges, preferred under the maſk of an anonymous ſignature, were worſe than uſeleſs. It were to imagine it poſſible that a part of the American people were made of ſuch materials as to be the dupes of ſuch calumnies. If they were compoſed of ſuch materials, it would be of little conſequence what opinion they entertained. For their eſteem could confer no honor, and their cenſure be no diſgrace.

It may not, however, be amiſs to notice one ſource of reprehenſion, which goes on the ground that the government muſt have been appriſed of the expedition of Miranda, before it took place. It is alledged that every body knew it, and, of conſequence, that the adminiſtration could not have been ignorant of it. If this is a fact how comes it that the *Spaniſh Miniſter* knew nothing of it? If he had been appriſed of it, he ſurely would not have been ſilent. How comes it that the Spaniſh Conſul was ignorant of it? How comes it that the agents of France were ignorant of it? And how comes it that it was unknown to the merchants of New-York, that very claſs of men whoſe intereſts are ſaid to be compromitted by it, and who, if they had known it would not have been backward in uſing deciſive means to defeat it? How comes it that it remained unnoticed in all the newſpapers?

The facts, as we have had them repreſented to us, are theſe:

The Leander was ſtationed at a conſiderable diſtance from the city of New-York.

The ſupplies with which ſhe was furniſhed were ſent from time to time, by lighters in detail.

And Miranda, all this time, was abſent from the city.

That he had his confidents is almoſt certain; but it is equally certain that they did not betray the truſt repoſed in them.

Under theſe circumſtances, it may well comport with a foreigner, the ſubject of a government, whoſe jealous eye is fixed upon all its ſubjects, to infer that our government manifeſts a like vigilance, and exerciſes a like reſtraint over the actions of its citizens; but we know better; we know that the government moves in that ſphere, and in that only, which the conſtitution preſcribes: and that even in this limited ſphere its predominant motive is confidence and not diſtruſt."

In the next Intelligencer, the following note is added on the ſubject.

"In our animadverſions on the queries addreſſed to Mr. Madiſon, in our laſt paper we omitted to ſtate a fact, which as it does not appear to be known at a diſtance, it may be proper to mention, viz. that the executive of the U. S. as ſoon as information was received of the expedition under Miranda, ordered, before any complaint was preferred, immediate enquiry to be made into the nature and extent of the armament, with a view to the inſtitution of the neceſſary proſecutions."

Meſſrs. Lang and Turner,

I obſerve in your paper of this morning a paragraph, ſtating that I was on Saturday laſt arreſted by order of the government, and examined before the diſtrict Judge reſpecting the deſtination of the ſhip Leander, &c.

The paragraph further ſtates, that my anſwers went "*directly to implicate the government of the United States in the fitting out of the Leander.*"

I think it my duty to ſtate, that in this particular you have been *miſinformed.*

That I was arreſted by order of Judge Talmadge, in a manner which I underſtand to be perfectly illegal, forcibly detained the whole day, denied the privilege of Counſel, and obliged to anſwer queſtions which I conceived improper and illegal *is moſt certain*; but in reſpect to the government I acted with extreme caution—I was not ſo much preſſed on this head as on others. S. G. OGDEN.

Monday morning, March 9.

ATTENTION PROPRIETORS.

The election for Truſtees of the Hudſon Library Society, will be held at the Library room, this day at two o'clock, afternoon.

Shubael Worth, Librarian.

11*th March*, 1805.

Wreath.

EXTRACT.

FROM THE PORT FOLIO.

[A gentleman who had used his scissors in extracting, not only from the Port Folio, but from many other papers, and even the Aurora itself, some of the moral, didactic, and descriptive pieces, which were published in the first, and such prominent articles of European intelligence, and political speculation, as he chose to take from the last, pasted the whole, at the end of the year, in rather a slovenly manner, and without any attention to arrangement, on the leaves of a blank book, which he had obtained for the purpose. His friend was requested to furnish something, by way of introduction, and those who have made similar selections, and are too lazy, or too busy, to write a poetical preface for themselves, may use the following]

Dedication, to all sorts of People.

By Master Samuel Slender.

WHEN Eastcourt* invited his neighbors to dine,
To eat mutton and beef, and drink porter and wine;
It was always agreed, that each guest who came there,
Should bring with him some meat, or some wine, or some beer.
So one brought a surloin, and one brought a joint,
One furnish'd a bottle, another a pint;
A potatoe itself was a competent boon,
Or a knife, or a fork, or a dish, or a spoon;
And some were admitted to sit and to soak,
Who had nothing to bring, but a song or a joke.

A feast in like style we've endeavour'd to make,
And you all are invited to come and partake;
'Tis true that no food for your stomachs you'll find,
But you'll get what is better—some food for the *mind.*

Our Olio is made up of ethics enough;
And of poetry, politics, law and such stuff.
The ingredients are sound, and without any fault,
Well season'd with vinegar, pepper and salt.

The *food*, we confess, is not *dress'd* with much care,
Nor the table-cloth laid with much neatness we fear;
But then, bear in mind, you've read in your books,
'Though the Lord sends you victuals, the Devil sends cooks.'

The mixture of *company*, too, you'll think strange;
Some are brought from the college, some taken from 'change;
An emperor's chair is put next to a cit,
And an alderman's placed along-side of a wit;
Fraud sits down with Virtue, and Truth with Chicane,
And Dennie is station'd quite close to Duane.

* Master Slender supposes that, at the moment his friend Goldsmith was writing the Retaliation, he might not have considered that the origin of Pic Nic clubs was not exclusively referable to the husband of Madame Maintenon.

But cease we to wonder—for look but at France,
And see who are 'leading the national dance:'
See those that were low, bounding higher and higher,
And those who were high, sinking low in the mire;
See Bonaparte riding aloft in the gale,
And the silent Moreau in the shades of the vale;
*Look how coblers and tinkers to power have got,
And powerful men put in prison to rot.

Then come, take a chair, and sit down at your ease;
You are heartily welcome—pray choose what you please.
If digestion be good, and your appetite sound,
No nauseous repletion will ever be found;
But regaling as much as you will on our store,
You'll feel better and wiser, by far, than before.

Literary Notices.

WE have received the Prospectus of a new periodical paper, to be called "The Hour." By Thomas Timekeeper. It is to be printed at Philadelphia, once a week. Price *One Dollar* per quarter, in advance.

Proposals may be seen at this office, for printing an entire new work, entitled, "*The History of Wyoming, or the County of Luzerne; in the commonwealth of Pennsylvania, from the first settlement in* 1763 *to the present time*, 1806. By Abraham Bradley, Esq.

☞ Subscriptions received for any work noticed in this paper.

Monitorial.

To aid the cause of virtue and religion.

.....

Extract from the Miscellaneous Companion,

BY WILLIAM MATTHEWS.

MAXIMS AND THOUGHTS.

WHOSOEVER seriously and meekly attends to the operations of his own mind, may soon find sufficient evidence there, to convince him that there is a God who made him; to whose goodness he owes all the faculties of his soul; to whose providence he owes all the blessings of his life, and by whose permission it is that he exercises and enjoys them:—

That he is placed in this world, but as a creature of a day, hastening to the place from whence he shall not return:—

That he is accountable for his conduct to the greatest and wisest of Beings, from the strictness of whose justice he must have every thing to fear; but that he is exhorted to be humble and penitent, and cast himself in hope upon the infinitude of *mercy*, and the infinitude of *goodness*!

The Creator of the universe, in that sublime and beautiful order which he in his wisdom hath established, seems to have appointed continual lessons of *instruction* to his rational creature man:—

We find nothing made apparently for its own use:—

Pre-eminence in nature seems to have been uniformly designed as the pre-eminence of communicating good.

If the luminaries of the sky shine with superior splendor, over our heads, it seems as though they were principally intended to diffuse light and heat, and impart joy and gladness beyond themselves:—

If the mountains rise above the plains, and receive the rains of heaven in greater abundance, they are not to imbibe and retain them unto themselves, but to disperse them for the refreshment of the inferior and more humble plains.

Diversity

ANECDOTE.

A certain gentleman not well skilled in orthography, requested his friend in Surrinam, to send him *too* monkies. The t, not being distinctly written, the friend concluded *his too*, was intended for 100. With difficulty he procured 50, which he sent, adding, the other 50, agreeable to your request, will be forwarded as soon as possible.

Terms of the Balance,

FOR 1806.

To City Subscribers, Two Dollars and Fifty Cents, payable quarterly.

To those who receive them by Mail, Two Dollars, payable in Advance.

To those who take their papers at the Office, in bundles or otherwise, a deduction from the city price will be made.

A handsome Title Page and Table of Contents will accompany the last number of the Volume.

NOTE.

The first, second, third and fourth Volumes of the Balance may be had on the following terms:—

First Volume...unbound... -	$ 2,
Second Volume, - - - - -	$ 2,50
Third Volume, - - - - -	$ 2,50
Fourth Volume, - - - - -	$ 2,50
The four together, - - -	$ 8

If bound, the price of binding (either plain or elegant) will be added---An unbound Volume may be sent to any Post-Office in the State for 52 Cents postage; or to any Post-Office in the Union for 78 Cents.

PUBLISHED BY

HARRY CROSWELL,

Warren-Street, Hudson,

Where printing in general is executed with elegance and accuracy.